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General Assembly

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Fifty-seventh session
Third Committee
Agenda item 109 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Benin, Bolivia, Burkina Faso, Burundi, Cameroon, Cape Verde, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, El Salvador, Ethiopia, Iraq, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mali, Mozambique, Namibia, Sierra Leone, Sudan, Syrian Arab Republic, United Republic of Tanzania, Viet Nam and Zambia: draft resolution

Promotion of a democratic and equitable international order

The General Assembly,

Recalling its resolution 56/151 of 19 December 2001 and taking note of Commission on Human Rights resolution 2002/72 of 25 April 2002,[1]

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/23), chap. II, sect. A.

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Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[2] can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Considering also that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Emphasizing that democracy is not only a political concept but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Underlining that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures, at the global level, that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

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[2] Resolution 217 A (III).

Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

2 bis. *Calls upon* all Member States to fulfil their commitment expressed in Durban during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies, and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

3. *Further affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) Solidarity, as a fundamental value, by virtue of which global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and ensures that those who suffer or who benefit the least receive help from those who benefit the most;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(g bis) The right to equitable participation of all, without any discrimination, in domestic as well as global decision-making;

(h) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(i) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(j) Respect for cultural diversity and the cultural rights of all since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(k) The right of every person and all peoples to a healthy environment;

(l) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(m) The enjoyment by everyone of ownership of the common heritage of mankind;

(n) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security that should be exercised multilaterally;

4. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds in the enhancement of international cooperation in the field of human rights;

5. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

5 bis. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

6. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

7. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;[3]

8. *Reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

9. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

10. *Requests* the Commission on Human Rights, the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission on Human Rights and the Subcommission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

11. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order, to take into account the present resolution in the preparations and development of the expert seminar to examine the interdependence between democracy and human rights that it will convene in January 2003, and to invite all Governments, United Nations specialized agencies, funds and programmes and interested non-governmental organizations to attend that seminar;

12. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

13. *Decides* to continue consideration of the matter at its fifty-ninth session under the agenda item entitled "Human rights questions".

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[3] See resolution 3201 (S-VI).

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Third Committee
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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Romania, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela: draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992[3] and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 55/111 of 4 December 2000, and resolutions on the subject by the Commission on Human Rights, and taking note of its latest resolution 2002/36 of 22 April 2002,[4]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.
[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

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Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continuing occurrence of extrajudicial, summary or arbitrary executions in those countries,

Acknowledging the entry into force on 1 July 2002 of the Rome Statute establishing the International Criminal Court,[5] thereby contributing to ensuring prosecution and the prevention of impunity concerning extrajudicial, summary or arbitrary executions,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end, and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Acknowledges* the historic significance of the establishment of the International Criminal Court on 1 July 2002, and the fact that a significant number of States have already signed, ratified or acceded to the Rome Statute,[5] and calls upon all other States to consider becoming parties to the Statute;

4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions; to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law; to grant adequate compensation within a reasonable time to the victims or their families; and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the further occurrence of such executions;

6. *Reaffirms* the obligation of Governments to ensure the protection of the right to life of all persons under their jurisdiction, and calls upon Governments concerned to investigate promptly and thoroughly all cases of killings committed in the name of passion or in the name of honour, all killings committed for any

[5] A/CONF.183/9.

discriminatory reason, including sexual orientation, racially motivated violence leading to the death of the victim, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, and other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and ensure that such killings, including killings committed by security forces, paramilitary groups or private forces, are neither condoned nor sanctioned by government officials or personnel;

7. *Urges* Governments to undertake all necessary and possible measures to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions, and that they act with restraint and respect international human rights standards when carrying out their duties;

8. *Stresses* the importance of States taking effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions, inter alia, through the adoption of preventive measures, and calls upon Governments to ensure that such measures are included in post-conflict-peace-building measures;

9. *Encourages* Governments, intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, in human rights and humanitarian law issues connected with their work, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

10. *Reaffirms* Economic and Social Council decision 2001/266 of 24 July 2001, in which the Council endorsed the decision of the Commission on Human Rights, in its resolution 2001/45, to extend the mandate of the Special Rapporteur for three years;

11. *Takes note* of the interim report to the General Assembly and the latest report to the Commission on Human Rights of the Special Rapporteur, including the attention given therein to various aspects and situations involving violations of the right to life by extrajudicial, summary or arbitrary executions, in particular the attention given to violations of the right to life of children, women, refugees, internally displaced persons and persons belonging to national, ethnic, religious or linguistic minorities or indigenous communities, persons exercising their right to freedom of opinion and expression, and persons killed because of their sexual orientation;

12. *Notes further* the recommendations contained in the interim report of the Special Rapporteur to the General Assembly and the latest report to the Commission on Human Rights concerning various aspects of violation of the right to life by extrajudicial, summary or arbitrary executions;

13. *Notes* the provisions of operative paragraph 16 of Commission on Human Rights resolution 2002/36 regarding the mandate of the Special Rapporteur;

14. *Recognizes* the important role the Special Rapporteur has played towards raising awareness and the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within her mandate, to collect information from all concerned, to respond effectively to reliable information that comes before her, to follow up on communications and country visits, and to seek the views and comments of Governments and reflect them, as appropriate, in the elaboration of her reports;

15. *Urges* the Special Rapporteur to continue, within her mandate, to bring to the attention of the United Nations High Commissioner for Human Rights situations of extrajudicial, summary or arbitrary executions which are of particularly serious concern or where early action might prevent further deterioration;

16. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

17. *Strongly urges* all Governments, in particular those who have not yet done so, to respond without undue delay to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that she may carry out her mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests;

18. *Expresses* its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations and requests other Governments to cooperate in a similar way;

19. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations as assumed under relevant provisions of international human rights instruments, including articles 6 and 14 of the International Covenant on Civil and Political Rights[2] and article 37 of the Convention on the Rights of the Child,[6] keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

20. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

21. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable her to carry out her mandate effectively, including through country visits;

22. *Also requests* the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in

[6] Resolution 44/25, annex.

human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

23. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon;

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Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela and Yugoslavia: revised draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992[3] and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 55/111 of

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

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4 December 2000, and resolutions on the subject by the Commission on Human Rights, and taking note of its latest resolution 2002/36 of 22 April 2002,[4]

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continuing occurrence of extrajudicial, summary or arbitrary executions in those countries,

Acknowledging the entry into force on 1 July 2002 of the Rome Statute establishing the International Criminal Court,[5] thereby contributing to ensuring prosecution and the prevention of impunity concerning extrajudicial, summary or arbitrary executions,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end, and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Acknowledges* the historic significance of the establishment of the International Criminal Court on 1 July 2002, and the fact that a significant number of States have already signed, ratified or acceded to the Rome Statute,[5] and calls upon all other States to consider becoming parties to the Statute;

4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions; to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law; to grant adequate compensation within a reasonable time to the victims or their families; and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the further occurrence of such executions;

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[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[5] A/CONF.183/9.

6. *Reaffirms* the obligation of Governments to ensure the protection of the right to life of all persons under their jurisdiction, and calls upon Governments concerned to investigate promptly and thoroughly all cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, racially motivated violence leading to the death of the victim, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, as well as other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and ensure that such killings, including killings committed by security forces, paramilitary groups or private forces, are neither condoned nor sanctioned by government officials or personnel;

7. *Urges* Governments to undertake all necessary and possible measures to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions, and that they act with restraint and respect international human rights standards when carrying out their duties;

8. *Stresses* the importance of States taking effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions, inter alia, through the adoption of preventive measures, and calls upon Governments to ensure that such measures are included in post-conflict peace-building measures;

9. *Encourages* Governments, intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

10. *Reaffirms* Economic and Social Council decision 2001/266 of 24 July 2001, in which the Council endorsed the decision of the Commission on Human Rights, in its resolution 2001/45, to extend the mandate of the Special Rapporteur for three years;

11. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights to the General Assembly[6] and recommendations therein;

12. *Recalls* that the Commission on Human Rights, in its resolution 2001/45, requested the Special Rapporteur, in carrying out her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

[6] A/57/138.

(b) To respond effectively to information that comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To continue to pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in her work;

13. *Recognizes* the importance of raising awareness for the elimination of extrajudicial, summary or arbitrary executions, for which impunity should be neither condoned nor tolerated, and of stressing that extrajudicial, summary or arbitrary executions are a flagrant violation of human rights, in particular the right to life, of which no one should be arbitrarily deprived, and in this regard encourages the Special Rapporteur to continue, within her mandate, to collect information from all concerned, to respond effectively to reliable information that comes before her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in her reports;

14. *Urges* the Special Rapporteur to continue, within her mandate, to bring to the attention of the United Nations High Commissioner for Human Rights situations of extrajudicial, summary or arbitrary executions which are of particularly serious concern or where early action might prevent further deterioration;

15. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights as well as with medical and forensic experts and encourages the Special Rapporteur to continue efforts in this regard;

16. *Strongly urges* all Governments, in particular those who have not yet done so, to respond without undue delay to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that she may carry out her mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests;

17. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur and invites them to report to the

Special Rapporteur on the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

18. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

19. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

20. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable her to carry out her mandate effectively, including through country visits;

21. *Also requests* the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

22. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon.

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Albania, Argentina, Austria, Belgium, Benin, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, Cuba, Czech Republic, Denmark, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, Mexico, Monaco, Morocco, Netherlands, Norway, Peru, Poland, Portugal, Romania, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia: draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons and its previous resolutions on the question of enforced or involuntary disappearances, in particular resolution 55/103 of 4 December 2000,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Deeply concerned, in particular, by the intensification of enforced disappearances, including arrest, detention and abduction, in various regions of the world and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity with regard to enforced disappearances contributes to the perpetuation of this phenomenon and constitutes one of the obstacles to the elucidation of its manifestations,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.

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Taking note with interest of the initiatives taken at the national and international levels in order to end impunity,

Welcoming the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court,[3] come within the jurisdiction of the Court as crimes against humanity,

Bearing in mind Commission on Human Rights resolution 2002/41 of 23 April 2002,

Convinced that further efforts are needed to promote wider awareness of and respect for the Declaration, and taking note in this regard of the report of the Secretary-General on the question of enforced or involuntary disappearances,[4]

Taking note also of the last report submitted by the Working Group on enforced or involuntary disappearances,[5]

1. *Reaffirms* that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights[1] and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law; and that no state shall practise, permit or tolerate enforced disappearances as proclaimed in the Declaration on the Protection of All Persons from Enforced Disappearances;

2. *Urges* all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through the provision of technical assistance;

3. *Calls upon* Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular as regards the prevention of enforced disappearances;

4. *Reminds* Governments that impunity with regard to enforced disappearances contributes to the perpetuation of this phenomenon and constitutes one of the obstacles to the elucidation of its manifestations, and in this respect also reminds them of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances in which there is a reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. *Expresses its appreciation* to those Governments that are investigating or developing appropriate mechanisms to investigate any cases of enforced disappearances which are brought to their attention, and urges all the Governments concerned to expand their efforts in this area;

6. *Once again urges* the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they may be subjected;

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[3] A/CONF.183/9.
[4] A/57/140.
[5] E/CN.4/2002/79.

7. *Reaffirms* that all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability to exercise their rights are assured;

8. *Encourages* States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

9. *Requests* all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in local languages;

10. *Notes* the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on the Promotion and Protection of Human Rights of the Commission on Human Rights;

11. *Stresses* the importance of the work of the Working Group and encourages it in the execution of its mandate to continue to promote communication between the families of disappeared persons and the Governments concerned with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertaining whether such information falls under its mandate and contains the required elements;

12. *Invites* the Working Group to continue to seek the views and comments of all concerned, including Member States, in preparing its reports;

13. *Invites* also the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and, in this regard, to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

14. *Encourages* the Working Group to continue to consider the question of impunity, in the light of the relevant provisions of the Declaration and of the final reports submitted by the special rapporteurs[6] appointed by the Subcommission;

15. *Requests* the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

16. *Appeals* to the Governments concerned, in particular those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

17. *Encourages* the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Group to fulfil its mandate even more effectively;

18. *Expresses its profound thanks* to the many Governments that have cooperated with the Working Group and replied to its requests for information and

[6] E/CN.4/Sub.2/1997/8 and E/CN.4/Sub.2/1997/20/Rev.1.

to the Governments that have invited the Group to visit their countries, requests them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

19. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up to its recommendations when it considers the report to be submitted by the Group to the Commission at its fifty-seventh session;

20. *Renews its requests* to the Secretary-General to continue to provide the Working Group with all of the facilities it requires to perform its functions, especially for carrying out missions and following them up;

21. *Recalls* Economic and Social Council decision 2001/221 in which the Council endorsed the decision of the Commission on Human Rights to create an intersessional open-ended working group, with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance;

22. *Welcomes*, in this regard, the report of the independent expert,[7] which, in accordance with Commission on Human Rights resolution 2001/46,[8] will be presented to the intersessional working group established pursuant to that resolution, at its first session;

23. *Welcomes* the decision of the Commission to convene the intersessional working group before its fifty-ninth session, to prepare, for consideration and adoption by the General Assembly, a draft legally binding normative instrument for the protection of all persons from enforced disappearance,[9] on the basis of the Declaration adopted by the General Assembly in its resolution 47/133, in the light of the work of the independent expert and taking into account, inter alia, the draft international convention on the protection of all persons from enforced disappearance, transmitted by the Subcommission in its resolution 1998/25 of 26 August 1998;

24. *Requests* the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

25. *Also requests* the Secretary-General to submit to it at its fifty-ninth session a report on the steps taken to implement the present resolution;

26. *Decides* to consider the question of enforced disappearances, in particular the implementation of the Declaration, at its fifty-ninth session, under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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[7] E/CN.4/2002/71.

[8] See *Official Records of the Economic and Social Council, 2001, Supplement No. 23* (E/2001/23), chap. II, sect. A.

[9] E/CN.4/Sub.2/1998/19, annex.

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Fifty-seventh session
Third Committee
Agenda item 109 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Angola, Benin, Botswana, Burundi, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Haiti, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mozambique, Myanmar, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo and Tunisia: draft resolution

Promotion of the right of peoples to peace

The General Assembly,

Recalling its resolution 39/11 of 12 November 1984, entitled "Declaration of the Right of Peoples to Peace",

Recalling also Commission on Human Rights resolution 2002/71 of 25 April 2002, entitled "Promotion of the right of peoples to peace",

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered,

Reaffirming also the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming further the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

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Reaffirming that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming also that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[1] can be fully realized,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples, in particular those of the developing countries,

Convinced of the aim of the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

1. *Reaffirms* the solemn proclamation that the peoples of our planet have a sacred right to peace;

2. *Solemnly declares* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State;

3. *Emphasizes* that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

5. *Urges* the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries, and to promote the realization of all human rights for all;

[1] Resolution 217 A (III).

6. *Urges* all States to refrain from using weapons with indiscriminate effects on human health, the environment and economic and social well-being;

7. *Expresses concern* at the real danger of the weaponization of outer space, and calls upon all States to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space;

8. *Urges* all States to refrain from taking measures which encourage the resurgence of a new arms race, bearing in mind all the resulting predictable consequences for global peace and security, for development and for the full realization of all human rights for all;

9. *Decides* to continue its consideration of the promotion of the rights of peoples to peace at its fifty-eighth session, under the item entitled human rights questions.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Benin, Burkina Faso, Cameroon, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Eritrea, Ethiopia, Haiti, Iran (Islamic Republic of), Iraq, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mali, Mozambique, Myanmar, Nigeria, Pakistan, Sudan, United Republic of Tanzania and Viet Nam: draft resolution

Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

The General Assembly,

Recalling that, in accordance with Article 56 of the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55, including universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that the promotion and protection of all human rights and fundamental freedoms must be considered a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation, and that, within the framework of these purposes and principles, the promotion and protection of all human rights are a legitimate concern of the international community,

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Considering the major changes taking place on the international scene and the aspirations of all peoples to an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world, and continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights,

Reaffirming that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations and that human rights and fundamental freedoms are the birthright of all human beings, the promotion and protection of such rights and freedoms being the first responsibility of Governments,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further the various articles of the Charter setting out the respective powers and functions of the General Assembly, the Security Council and the Economic and Social Council, as the paramount framework for the achievement of the purposes of the United Nations,

Reaffirming the commitment of all States to fulfil their obligations under other important instruments of international law, in particular those of international human rights and humanitarian law,

Taking into account that, in accordance with Article 103 of the Charter, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,

Recalling all its previous resolutions, including its resolution 56/152 of 19 December 2001,

1. *Reiterates* the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of a humanitarian character in full compliance with the Charter of the United Nations, inter alia, by the strict observance of all the purposes and principles set forth in Articles 1 and 2 thereof;

2. *Stresses* the vital role of the work of United Nations and regional arrangements, acting consistently with the purposes and principles enshrined in the Charter, in promoting and encouraging respect for human rights and fundamental freedoms, as well as in solving international problems of a humanitarian character, and affirms that all States, in these activities, must fully comply with the principles set forth in Article 2 of the Charter, in particular respecting the sovereign equality of all States and refraining from the threat or use of force against the territorial

integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations;

3. *Reaffirms* that the United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;

4. *Calls upon* all States to cooperate fully, through constructive dialogue, to ensure the promotion and protection of all human rights for all and in promoting peaceful solutions to international problems of a humanitarian character and, in their actions towards that purpose, to comply strictly with the principles and norms of international law, inter alia, by fully respecting international human rights and humanitarian law;

5. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system, and intergovernmental and non-governmental organizations, and to disseminate it on the widest possible basis;

6. *Decides* to consider this question at its fifty-eighth session, under the item entitled "Human rights questions".

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Armenia, Bangladesh, Brazil, Burkina Faso, Cape Verde, Chile, Cuba, El Salvador, Guatemala, Mauritius, Mexico, Morocco, Philippines and Uruguay: draft resolution

Protection of migrants

The General Assembly,

Recalling its resolution 56/170 of 19 December 2001,

Reaffirming that the Universal Declaration of Human Rights[1] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also the provisions concerning migrants adopted by the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the World Summit for Social Development[4] and the Fourth World Conference on Women,[5]

Welcoming the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action[6] adopted by the World Conference

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[1] Resolution 217 A (III).

[2] See A/CONF.157/24 (Part I), chap. III.

[3] See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[5] See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[6] See A/CONF.189/12, chap. I.

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against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants,

Recalling its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society,

Bearing in mind the situation of vulnerability in which migrants and their families frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return to their States of origin of migrants who are non-documented or in an irregular situation,

Bearing in mind also the need for a focused and consistent approach towards migrants as a specific vulnerable group, in particular migrant women and children,

Deeply concerned at the manifestations of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Underlining the importance of the creation of conditions that foster greater harmony between migrants and the rest of the society of the States in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrants,

Taking note of Advisory Opinion OC-16/99, issued by the Inter-American Court of Human Rights on 1 October 1999, on The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, in the case of foreign nationals detained by the authorities of a receiving State,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Welcoming the fact that a number of States have already ratified the United Nations Convention against Transnational Organized Crime,[7] and the protocols thereto,[8] and reiterating the importance of ensuring the speedy entry into force of those instruments in accordance with General Assembly resolutions 55/25 of 15 November 2000 and 55/255 of 31 May 2001,

1. *Welcomes* the renewed commitment made in the United Nations Millennium Declaration[9] to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the

[7] Resolution 55/25.

[8] Ibid., annexes I and II.

[9] Resolution 55/2.

increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies;

2. *Requests* all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights[1] and the international instruments to which they are party, which may include the International Covenants on Human Rights,[10] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[11] the International Convention on the Elimination of All Forms of Racial Discrimination,[12] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[13] the Convention on the Elimination of All Forms of Discrimination against Women,[14] the Convention on the Rights of the Child[15] and other applicable international human rights instruments;

3. *Calls upon* States to implement fully the provisions related to the promotion and protection of the human rights of migrants contained in the Durban Declaration and Programme of Action;[6]

4. *Strongly condemns* all forms of racial discrimination and xenophobia with regard to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and assisting individual victims of racist acts, including migrant victims;

5. *Requests* all States, in conformity with national legislation, firmly to prosecute cases of violation of labour law with regard to the conditions of work of migrant workers, including those related to, inter alia, their remuneration and the conditions of health and safety at work;

6. *Calls upon* all States to review and, where necessary, revise immigration policies with a view to eliminating all discriminatory practices against migrants and to provide specialized training for government policy-making and law enforcement, immigration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

7. *Reiterates* the need for all States parties to protect fully the universally recognized human rights of migrants, especially women and children, regardless of their legal status, and to treat them humanely, in particular with regard to assistance and protection;

8. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations of 1963,[16] in particular with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the

[10] Resolution 2200 A (XXI), annex.
[11] Resolution 39/46, annex.
[12] Resolution 2106 A (XX), annex.
[13] Resolution 45/158, annex.
[14] Resolution 34/180, annex.
[15] Resolution 44/25, annex.
[16] United Nations, *Treaty Series*, vol. 596, No. 8638.

case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

9. *Reaffirms* the responsibility of Governments to safeguard and protect the rights of migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups, and urges them to reinforce measures in this regard;

10. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

11. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants[17] and requests her to continue taking into account the recommendations contained in the Durban Declaration and Programme of Action[6] in the performance of her mandate, tasks and duties;

12. *Encourages* Member States that have not yet done so to enact domestic criminal legislation to combat the international trafficking of migrants, which should take into account, in particular, trafficking that endangers the lives of migrants or includes different forms of servitude or exploitation, such as any form of debt bondage or sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking;

13. *Encourages* States to consider participating in international and regional dialogues on migration that include countries of origin and destination, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers in the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

14. *Encourages* all Governments to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

15. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

16. *Calls upon* all States to protect the human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children and the importance of reuniting them with their parents, when possible and appropriate, are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection;

[17] A/57/292.

17. *Welcomes* the proclamation of 18 December as International Migrants Day and the invitation to Member States and intergovernmental and non-governmental organizations to observe it through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the design of actions to ensure their protection;

18. *Requests* the Secretary-General to submit to the General Assembly at its fifty-eighth session a report on the implementation of the present resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", and requests the Special Rapporteur to submit to the Assembly at its fifty-eighth session an interim report on the fulfilment of her mandate.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Brazil, Canada, Chile, Costa Rica, Ecuador, Liechtenstein, Mexico and Panama: draft resolution

Protecting human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance of respecting all human rights and fundamental freedoms and the rule of law, including in response to terrorism and the fear of terrorism,

Recalling its relevant resolutions on measures to eliminate international terrorism, in particular resolutions 49/60 of 9 December 1994 and 51/210 of 17 December 1996, as well as Security Council resolutions 1373 (2001) of 28 September 2001, requiring States to adopt counter-terrorism measures, and 1377 (2001) of 12 November 2001 recognizing, inter alia, the value of assistance and best practice in the fight against terrorism,

Reiterating paragraph 17 of section I of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] which states that the acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

[1] A/CONF.157/24 (Part I), chap. III.

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Recalling its resolution 56/160 of 19 December 2001, and noting Commission on Human Rights resolution 2002/35 of 22 April 2002 on human rights and terrorism,[2]

Reaffirming its unequivocal condemnation of all the acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomsoever committed, and renewing its commitment to strengthening international cooperation to combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[3] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that under article 4 of the International Covenant on Civil and Political Rights[4] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be of an exceptional and temporary nature, and in all cases in accordance with that article,

1. *Affirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Calls upon* States to take into account relevant resolutions and decisions on protecting human rights while countering terrorism, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of human rights treaty bodies;

3. *Requests* the United Nations High Commissioner for Human Rights, making use of existing mechanisms:

(a) To examine the question of protecting human rights and fundamental freedoms while countering terrorism, taking into account information from all relevant sources, including Governments and international and non-governmental organizations;

(b) To make recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To provide assistance and advice to States upon their request, as well as to United Nations bodies;

4. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its fifty-ninth session and to the General Assembly at its fifty-eighth session.

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[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Armenia, Azerbaijan, Belarus, China, India, Nicaragua, Poland, Russian Federation and Turkey: draft resolution

Hostage-taking

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also its relevant resolutions and Security Council resolution 1373 (2001) of 28 September 2001,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Recalling also the Vienna Declaration and Programme of Action[2] adopted on 25 June 1993 by the World Conference on Human Rights,

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions condemning all cases of hostage-taking, in particular resolution 1440 (2002) of 24 October 2002,

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.

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Recalling also all relevant resolutions of the Commission on Human Rights on the subject,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, inter alia those committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949[3] and the Additional Protocol[4] thereto, of 1977,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order to bring such abhorrent practices to an end,

1. *Reaffirms* that hostage-taking, wherever and by whomever committed, is a serious offence aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. *Condemns* all acts of hostage-taking, anywhere in the world;

3. *Demands* that all hostages be released immediately and without any preconditions;

4. *Calls upon* States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. *Decides* to remain seized of the matter.

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[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[4] Ibid., vol. 1125, No. 17512.

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Afghanistan, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia and Zimbabwe: draft resolution

Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights[1] fifty-four years ago, Member States pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

[1] Resolution 217 A (III).

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Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Declaration, and should continue to attract the attention of the international community,

Convinced that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,[2]

Recalling also its resolutions 53/142 of 9 December 1998 and 55/99 of 4 December 2000,

1. *Welcomes* the report of the Secretary-General;[3]

2. *Also welcomes* the efforts of the Office of the United Nations High Commissioner for Human Rights to make the promotion of the rule of law a priority in its technical cooperation programmes;[4]

3. *Notes with appreciation* the increasing number of Member States seeking assistance in strengthening and consolidating the rule of law, which indicates the growing awareness of its importance, and the support provided to these States through the technical cooperation programme of the Office of the United Nations High Commissioner for Human Rights, as outlined in the above-mentioned report of the Secretary-General;

4. *Praises* the efforts made by the Office of the High Commissioner to accomplish its ever-increasing tasks, in a wide range of areas, with the limited financial and personnel resources at its disposal;

5. *Expresses its deep concern* at the scarcity of means at the disposal of the Office of the High Commissioner for the fulfilment of its tasks;

6. *Notes with concern* that the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of

[2] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.
[3] A/57/275.
[4] Ibid., para. 1.

the rule of law in countries that are committed to those ends but are lacking the necessary means and resources;

7. *Welcomes* the deepening of the ongoing cooperation between the Office of the High Commissioner and other relevant bodies and programmes of the United Nations system, with a view to enhancing the system-wide coordination of assistance in human rights, democracy and the rule of law, and in this context notes the cooperation between the United Nations Development Programme and the Office of the High Commissioner in providing technical assistance, at the request of States, in the promotion of the rule of law;

8. *Also welcomes* the assistance of the Office of the High Commissioner in the design of human rights components of United Nations peace operations and in providing advice once they are formed, including in the field of rule of law;[5]

9. *Reaffirms* that the Office of the High Commissioner remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

10. *Encourages* the United Nations High Commissioner for Human Rights to continue the dialogue between his Office and other organs and agencies of the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law and to promoting inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, inter alia, assistance to States in strengthening the rule of law;

11. *Also encourages* the High Commissioner to continue to explore the possibility of further contact with and support from the international financial institutions, acting within their mandates, with a view to obtaining the technical and financial means to strengthen the capacity of the Office of the High Commissioner to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

12. *Requests* the High Commissioner to continue to accord high priority to the technical cooperation activities undertaken by his Office with regard to the rule of law and to continue to act as a catalyst in the system by, inter alia, helping other United Nations agencies and programmes, within their respective mandates, to include in their work, as appropriate, attention to institution-building in the area of the rule of law;

13. *Requests* the Secretary-General to submit a report to the General Assembly at its fifty-ninth session on the implementation of the present resolution and the above-mentioned recommendation of the World Conference on Human Rights.

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[5] Ibid., para. 12.

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South Africa:* draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling its resolutions 51/103 of 12 December 1996, 52/120 of 12 December 1997, 53/141 of 9 December 1998, 54/172 of 17 December 1999 and 55/110 of 4 December 2000, as well as Commission on Human Rights resolution 1998/11 of 9 April 1998,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General,[2] pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120[4] and 55/110,[5]

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China.

[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

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Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and the Platform of Action, adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Expressing grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter of the United Nations that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the Open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular

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[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales. No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report to the General Assembly;

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[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its fifty-eighth session, highlighting the practical and preventive measures in this respect;

10. *Decides* to examine this question on a priority basis at its fifty-eighth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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South Africa:* draft resolution

The Right to Development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations, and the individual as the central subject and beneficiary of development,

Recalling all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998 on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000,[1]

Stressing the need for undertaking urgent measures to implement the goals and targets set in all the major United Nations conferences, summits and special

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China.

[1] See resolution 55/2.

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sessions, including those of the United Nations Millennium Declaration, which are paramount in the process of the realization of the right to development,

Stressing also that the Vienna Declaration and Programme of Action[2] reaffirmed the right to development as a universal and inalienable right and an integral part of all human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the solemn commitment expressed at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in August and September 2001, to promote universal respect for, and observance and protection of all human rights, including the right to development,

Noting the outcomes of the Fourth Ministerial Conference of the World Trade Organization held at Doha from 9 to 14 November 2001 and the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002,

Taking note with appreciation of Commission on Human Rights resolution 2002/69 of 25 April 2002, in which the Commission endorsed the agreed conclusions of the Working Group on the Right to Development adopted by consensus during the Working Group's session held from 25 February to 8 March 2002,[3]

1. *Endorses* the agreed conclusions of the Working Group on the Right to Development as adopted by the Commission on Human Rights in its resolution 2002/69 and which constitute a solid foundation for further initiatives towards the promotion and the realization of the right to development;

2. *Takes note* of the postponement of the session of the Working Group on the Right to Development, owing to the non-availability of the report on the "international development issues," and calls upon the independent expert on the right to development to present this outstanding report in time for the next session of the Working Group scheduled to be held from 3 to 14 February 2003;

3. *Stresses* the importance of the core principles, which underpin the purpose of international human rights instruments, such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation as critical to mainstreaming the right to development at the international level;

4. *Underlines* the importance of further research and analytical work undertaken by the Office of the High Commissioner for Human Rights on the above-mentioned core principles and invites the High Commissioner, in consultation with the United Nations Conference on Trade and Development, the World Trade Organization and all relevant international organizations and institutions, to submit a report on the importance and application of the principle of equity as a matter of priority, at both the national and international levels, taking fully into account the conclusions of the Working Group on the Right to Development;

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[2] A/CONF.157/24 (Part I), chap. III.

[3] See E/CN.4/2002/28/Rev.1.

5. *Invites*, in the above context, the High Commissioner for Human Rights to solicit the support and cooperation of these organizations in the preparation of the requisite report for presentation to the Commission on Human Rights at its fifty-ninth session;

6. *Reaffirms* the commitments to implement the goals and targets set in all the major United Nations conferences, summits and special sessions and those undertaken at the Millennium Assembly, in particular, those relating to the realization of the right to development;

7. *Recognizes* that the realization of the right to development is critical to achieving the objectives, goals and targets set in all the major United Nations conferences, summits and special sessions, including those of the United Nations Millennium Declaration;

8. *Reaffirms* the need for an international environment which is conducive to the realization of the right to development;

9. *Reaffirms also* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that they are committed to cooperating with each other to that end;

10. *Reaffirms further* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, and which also places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

11. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels, recognizes that the promotion and protection of human rights, including the right to development, rests with States, as established in article 3 of the Declaration on the Right to Development, and further reaffirms the inextricable link between the two;

12. *Underlines* the importance of the continuation of the discussion, within the Working Group on the Right to Development, on the question of a suitable permanent follow-up mechanism to monitor the realization of the right to development;

13. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

14. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties in participating in the globalization process, and many risk being marginalized and effectively excluded from its benefits;

15. *Reaffirms* the commitment, and urges developed countries that have not yet done so, to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help meet development goals and targets;

16. *Emphasizes* the international economic and financial issues that deserve particular attention by the Working Group on the Right to Development, such as international trade, access to technology, good governance and equity at the international level, and the debt burden, in order to consider and evaluate their impact on the enjoyment of human rights and, in this context, looks forward to a preliminary study, as requested by the Commission on Human Rights in its resolution 2001/9 of 18 April 2001, for consideration by the Working Group at its next session;

17. *Recognizes* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries;

18. *Recognizes also* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

19. *Considers* that a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries are important issues in making progress towards the effective implementation of the right to development;

20. *Recognizes* that poverty eradication is one of the critical elements in the promotion and realization of the right to development, stresses that poverty is a multifaceted problem that requires a multifaceted approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the United Nations Millennium development goal of halving, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger, underlines the fact that the international community is far from meeting the target of halving the number of people living in poverty by 2015 and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries;

21. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development and, in this regard, stresses the need to broaden the base of decision-making at the international level on issues of development concern and to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing

countries and economies in transition in international economic decision-making and norm-setting;

22. *Stresses* that the basic responsibility for the realization of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

23. *Recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

24. *Recognizes also* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, political, economic, social and cultural activities of the community, and the promotion of the right to development;

25. *Stresses* the need for the integration of the rights of children, boys and girls alike, in all policies and programmes, and for ensuring protection and promotion of those rights, especially in areas relating to health, education and the full development of their capacities;

26. *Recognizes* that measures must be taken at the national and international levels to fight human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other communicable diseases, taking into account ongoing efforts and programmes;

27. *Recognizes also* the need at the national level for strong partnerships with civil society organizations, including the private sector, in pursuit of poverty eradication and development, as well as for good corporate governance;

28. *Expresses* deep concern and anxiety at the growing corporate corruption, in particular the recent disturbing incidents which have a negative impact on the full enjoyment of human rights and undermines the process of the realization of the right to development;

29. *Emphasizes* the urgent need for taking concrete measures, including the repatriation of illegally acquired assets and funds to the countries of origin, to fight against all forms of corruption at the national and international levels, and stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework;

30. *Supports and appreciates* the recently adopted New Partnership for Africa's Development as a development framework and a practical example that could be explored for the promotion of a rights-based approach to development;

31. *Emphasizes* the need to improve further the activities of the Office of the United Nations High Commissioner for Human Rights towards the promotion and realization of the right to development, including ensuring effective use of the

financial and human resources necessary to fulfil its mandate, and better servicing of and support for the Working Group on the Right to Development;

32. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to assist effectively in implementing the recommendations contained in the agreed conclusions of the Working Group on the Right to Development, including in particular ensuring the meaningful participation and contribution of all relevant international organizations and United Nations specialized agencies, programmes and funds in the next session of the Working Group;

33. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions and non-governmental organizations, and to present a comprehensive report on the implementation of the present resolution to the Commission on Human Rights at its fifty-ninth session and to the General Assembly at its fifty-eighth session;

34. *Decides* to continue consideration of the issue of the right to development, as a matter of priority, at its fifty-eighth session.

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South Africa*: draft resolution

Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set out in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 56/149 of 19 December 2001, and taking note of Commission on Human Rights resolution 2002/86 of 26 April 2002 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

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* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China.

[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/23), chap. II., sect. A.

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Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field, and recalling its decision to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations, as well as its resolution 56/6 of 9 November 2001, entitled "Global Agenda for Dialogue among Civilizations",

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, entitled "Promotion of dialogue on human rights issues", by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

Reaffirms that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

Also reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of several conferences and meetings at the national, regional and international level on dialogue among civilizations,

Urges all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

Reaffirming the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance,

Considers that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

Reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

Calls upon Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

Invites States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

Decides to continue its consideration of this question at its fifty-eighth session.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Australia and Japan: draft resolution

Situation of human rights in Cambodia

The General Assembly,

Recalling its resolution 56/169 of 19 December 2001 and Commission on Human Rights resolution 2002/89 of 26 April 2002[1] and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[2]

Reaffirming that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledging that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have provided the basis for the restoration of peace and stability with the aim of achieving national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge,

I
Support of and cooperation with the United Nations

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[2] A/46/608-S/23177.

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Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the office and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights[3] and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office, and invites the international community to consider contributing to the Trust Fund;

3. *Also welcomes* the report of the Special Representative,[4] encourages the Government to continue its cooperation at all levels of Government, supports the appeals of the Government of Cambodia and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting on Cambodia, held at Phnom Penh from 19 to 21 June 2002;

4. *Further welcomes* the signature of the memorandum of understanding in February 2002 by the Government of Cambodia and the Office of the High Commissioner for the extension of the mandate of the office in Cambodia, and encourages the Government to continue to cooperate with the office in their joint efforts to promote human rights;

5. *Commends* the vital role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to continue to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them;

II

Administrative, legislative and judicial reform

1. *Acknowledges* the ratification by Cambodia of the Rome Statute of the International Criminal Court;[5]

2. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary, resulting from, inter alia, corruption and interference by the executive with the independence of the judiciary, welcomes the establishment of the Council of Legal and Judicial Reform, and urges the Government as a matter of priority to increase its budgetary allocation to the judiciary and take the necessary measures to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and the judicial system as a whole;

3. *Urges* the Government of Cambodia to expedite the adoption of the laws and codes that are essential components of the basic legal framework, including the draft statute on magistrates, a penal code, a code on criminal procedures, a new civil

[3] A/57/277.
[4] A/57/230.
[5] A/CONF.183/9.

code and a code of civil procedures and to enhance the training of judges and lawyers, welcomes the opening of the Royal School for Training Judges and Prosecutors and the Centre for Lawyer Training and Professional Improvement of the Bar Association of the Kingdom of Cambodia;

4. *Also urges* the Government of Cambodia to strengthen its efforts to tackle the problems related to land, and notes with concern the remaining problems of land grabbing, forced evictions and further displacement;

5. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan and military reforms, inter alia, the demobilization programme;

6. *Welcomes* the progress made by the Government of Cambodia to eradicate anti-personnel landmines and to reduce the number of small arms in Cambodia, and encourages the continuing efforts of the Government and the international community to tackle these issues;

7. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government, as a matter of critical priority, to increase its efforts to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

8. *Welcomes* the progress achieved by the Government of Cambodia in conducting polling for the commune elections in February 2002, encourages the Government to work towards free and fair general elections in July 2003, bearing in mind the serious concerns over acts of intimidation, violence and killings and reports of vote-buying, to investigate fully such acts and prosecute those responsible, to ensure that similar problems do not occur in connection with the general election and, in particular, to pay close attention to the safety and security of candidates and political activists and to ensure neutrality on the part of State institutions, including an independent national election committee, proper law enforcement and equitable access to all forms of media, including broadcast media, for all parties;

9. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, to provide proper food and health care to prisoners and detainees and to meet the special needs of women and children;

III

Human rights violations and violence

1. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights, forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations, including the possible establishment of a board of inquiry on the issue of mob killings;

2. *Urges* the Government of Cambodia to combat discrimination in all its manifestations against ethnic minorities and to protect their rights, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,[6] inter alia, by seeking technical assistance;

IV
Protection of women and children

1. *Welcomes* the progress to improve the status of women, including the progress made towards the adoption of the law on prevention of domestic violence and protection of victims of domestic violence, and urges the Government of Cambodia to take further appropriate measures to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women,[7] including by seeking technical assistance;

2. *Commends* the Government of Cambodia for its efforts to combat the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), while remaining concerned about its increasing incidence;

3. *Welcomes* the series of efforts by the Government of Cambodia to combat human trafficking, requests the Government and the international community to make concerted efforts comprehensively to address these problems and their underlying causes, and notes with serious concern the growing phenomenon of trafficking in, and sexual exploitation of, women and children;

4. *Welcomes* the ratification by the Government of Cambodia of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;[8]

5. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or to be harmful to their health, safety or morals, by enforcing Cambodian laws on child labour, the existing Labour Law and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) of 1999;

6. *Encourages* the efforts of the Government of Cambodia to improve further the health conditions of children and their access to education, to promote free and accessible birth registration and to establish a juvenile justice system;

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[6] Resolution 2106 A (XX), annex.
[7] Resolution 34/180, annex.
[8] Resolution 54/263, annex II.

V

Conclusion

1. *Encourages* the international community to assist the Government of Cambodia in its efforts to implement the present resolution;

2. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

3. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-eighth session under the item entitled "Human rights questions".

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Algeria, Angola, Antigua and Barbuda, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Malta, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Portugal, Russian Federation, Saint Lucia, San Marino, Senegal, Sierra Leone, South Africa, Spain, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, United Republic of Tanzania, Venezuela, Viet Nam, Zambia, and Zimbabwe: draft resolution

The right to food

The General Assembly,

Recalling its resolution 56/155 of 19 December 2001, as well as all Commission on Human Rights resolutions in this regard, in particular resolutions 2000/10 of 17 April 2000[1] and 2002/25 of 22 April 2002,[2]

Recalling also the Universal Declaration of Human Rights,[3] which provides that everyone has the right to a standard of living adequate for her/his health and well-being, including food,

[1] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.
[2] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[3] Resolution 217 A (III).

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Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[4] in which the fundamental right of every person to be free from hunger is recognized,

Recalling the Universal Declaration on the Eradication of Hunger and Malnutrition,[5]

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit,[6]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international level, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration as well as the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action of the World Food Summit[6] and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

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[4] See resolution 2200 A (XXI), annex.

[5] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

3. *Considers* it intolerable that there are around 840 million undernourished people in the world, and that every year 36 million people die, directly or indirectly, as a result of hunger and nutritional deficiencies, most of them women and children, particularly in developing countries, in a world that already produces enough food to feed the whole global population; and regret that this situation at the same time can generate additional pressures on the environment in ecologically fragile areas;

4. *Welcomes* the Declaration of the World Food Summit: five years later, held in Rome from 10 to 13 June 2002;[7]

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to elaborate and adopt national plans to combat hunger;

6. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

7. *Invites* all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by the year 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in Rome Declaration on World Food Security and in the Secretary-General's millennium report;[8]

8. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

9. *Takes note* of the report of the United Nations Children's Fund entitled *The State of the World's Children, 2002*, and recalls that the nurturing of young children merits the highest priority;

10. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[9] and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

11. *Supports* the realization of the mandate of the Special Rapporteur as established by the Commission on Human Rights in its resolutions 2000/10 and 2002/25;

12. *Expresses its appreciation* to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit[6] through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;

13. *Welcomes* the three expert consultations on the right to food convened by the former High Commissioner and her personal commitment to the promotion and

[7] A/57/499, annex.
[8] A/54/2000.
[9] A/57/356.

realization of the right to food, and expresses its deep appreciation for the comprehensive report submitted by the former High Commissioner to the World Food Summit: five years later;

14. *Endorses* the decision by the Council of the Food and Agriculture Organization of the United Nations to establish at its one hundred and twenty-third session an intergovernmental working group, with the participation of stakeholders, in the context of the Declaration of the World Food Summit: five years later,[7] to elaborate in a period of two years a set of voluntary guidelines to support the efforts of member States to achieve the progressive realization of the right to adequate food in the context of national food security, as well as the request to the Food and Agriculture Organization of the United Nations, in close collaboration with relevant treaty bodies, agencies and programmes of the United Nations system, to assist the Intergovernmental Working Group, which shall report on its work to the Committee on World Food Security, and also request the assistance of the Special Rapporteur in this regard;

15. *Encourages* the Special Rapporteur to mainstream a gender perspective in the activities relating to his mandate;

16. *Requests* the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

17. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[10]

18. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its fifty-ninth session and an interim report to the General Assembly at its fifty-eight session on the implementation of the present resolution;

19. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and non-governmental organizations to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

20. *Decides* to continue the consideration of this matter at its fifty-eighth session under the agenda item entitled "Human rights questions".

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[10] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

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Bolivia, Cuba, Dominican Republic, El Salvador and Honduras: draft resolution

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,[1] as well as article 12 of the International Covenant on Civil and Political Rights,[2]

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[3] family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling its resolution 55/100 of 4 December 2000,

1. *Once again calls upon* all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. *Reaffirms* that all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

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3. *Calls upon* all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. *Also calls upon* all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. *Decides* to continue its consideration of this question at its fifty-ninth session under the item entitled "Human rights questions".

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France and Japan: draft resolution

Khmer Rouge trials

The General Assembly,

Recalling that the serious violations of Cambodian and international law during the period of Democratic Kampuchea from 1975 to 1979 continue to be matters of vitally important concern to the international community as a whole,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of justice and national reconciliation, stability, peace and security,

Recognizing also that the accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Conscious that the opportunity to bring those responsible to justice may soon be lost,

Recalling the request made in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law,

Recalling also its resolution 56/169 of 19 December 2001, taking note of Commission of Human Rights resolution 2002/89 of 26 April 2002,[1] and recalling further previous relevant resolutions,

Welcoming the efforts of, and the substantial progress made by, the Secretary-General and the Government of Cambodia towards the establishment of Extraordinary Chambers within the existing court structure of Cambodia, with

[1] See *Official Records of the Economic and Social Council, 2002* (E/2002/23), chap. II, sect. A.

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international assistance, for the prosecution of crimes committed during the period of Democratic Kampuchea,

Welcoming in particular the promulgation of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, and noting with appreciation the general provisions and competence of the Law and its provision for a role for the United Nations,

Noting the statements of the Secretary-General on 8 February and 20 August 2002 concerning negotiations between the Secretary-General and the Government of Cambodia on the establishment of the Extraordinary Chambers,

Welcoming the subsequent discussions between the Secretary-General and the Government of Cambodia on the establishment of the Extraordinary Chambers,

Welcoming also the Joint Communiqué of the thirty-fifth Ministerial Meeting of the Association of South-East Asian Nations, held in Brunei on 29 and 30 July 2002, which, inter alia, expressed support for the continued efforts of the Government of Cambodia to bring the senior leaders of Democratic Kampuchea and those most responsible for serious crimes committed to trial in accordance with international standards of justice, fairness and due process of law and recognized the need for the Government of Cambodia and the United Nations to cooperate in this regard,

Desiring that the international community continue to respond positively in assisting efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes such as acts of genocide and crimes against humanity committed during the regime of Democratic Kampuchea,

1. *Requests* the Secretary-General to resume negotiations, without delay, to conclude an agreement with the Government of Cambodia, based on previous negotiations, to establish Extraordinary Chambers consistent with the provisions of the present resolution, so that the Extraordinary Chambers may begin to function promptly;

2. *Recommends* that the Extraordinary Chambers should have subject-matter jurisdiction consistent with that set forth in the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea;

3. *Recommends also* that the Extraordinary Chambers should have personal jurisdiction over senior leaders of Democratic Kampuchea and those who were most responsible for the crimes referred to in paragraph 2 above;

4. *Emphasizes* that arrangements, as devised, in particular, by the Royal Government of Cambodia, for the establishment of Extraordinary Chambers should:

(a) Ensure that the Extraordinary Chambers exercise their jurisdiction in accordance with international standards of justice, fairness and due process of law, as set out in articles 14 and 15 of the International Covenant on Civil and Political Rights;[2]

(b) Include arrangements for an appellate chamber;

[2] Resolution 2200 A (XXI), annex.

5. *Emphasizes also* the importance of ensuring the impartiality, independence and credibility of the process, in particular with regard to the status and work of the judges and prosecutors;

6. *Appeals* to the Government of Cambodia to ensure that persons referred to in paragraph 3 above are brought to trial in accordance with international standards of justice, fairness and due process of law, as referred to in paragraph 4 above, and notes the assurances of the Government of Cambodia in this regard;

7. *Requests* the Secretary-General to report to the General Assembly on the implementation of the present resolution, in particular on his consultations and negotiations with the Government of Cambodia concerning the establishment of the Extraordinary Chambers, no later than ninety days from the date of adoption of the resolution;

8. *Also requests* the Secretary-General, if necessary, to send a team of experts to Cambodia as may be required for the preparation of his report;

9. *Further requests* the Secretary-General to include in his report recommendations for the efficient and cost-effective operation of the Extraordinary Chambers, including the amount of voluntary contributions of funds, equipment and services to the Extraordinary Chambers, inter alia, through the offer of expert personnel, that may be needed from States, intergovernmental organizations and non-governmental organizations;

10. *Appeals* to the international community to provide financial, personnel and other assistance to enable the early establishment and the sustained operation of the Extraordinary Chambers.